

House File 2488 - Introduced

HOUSE FILE _____
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the destruction of public records containing
2 personal information and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6283YH 82
5 md/nh/14

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1 1 Section 1. NEW SECTION. 22.15 PROTECTION OF PERSONAL
1 2 INFORMATION == DESTRUCTION OF PUBLIC RECORDS == PENALTY.
1 3 1. "Personal information" means an individual's first name
1 4 or first initial and last name in combination with any one or
1 5 more of the following data elements that relate to the
1 6 individual if neither the name nor the data elements are
1 7 encrypted, redacted, or otherwise altered by any method or
1 8 technology in such a manner that the name or data elements are
1 9 unreadable:
1 10 a. Social security number.
1 11 b. Driver's license number or other unique identification
1 12 number created or collected by a government body.
1 13 c. Financial account number, credit card number, or debit
1 14 card number in combination with any required security code,
1 15 access code, or password that would permit access to an
1 16 individual's financial account.
1 17 d. Unique electronic identifier or routing code, in
1 18 combination with any required security code, access code, or
1 19 password.
1 20 e. Unique biometric data, such as a fingerprint, voice
1 21 print or recording, retina or iris image, or other unique
1 22 physical representation or digital representation of the
1 23 biometric data.
1 24 2. Unless otherwise required by federal or state law, each
1 25 government body shall take reasonable steps to destroy or
1 26 arrange for the destruction of a public record, or portion
1 27 thereof, containing personal information within its control,
1 28 which is no longer required to be retained by the government
1 29 body. Destruction of a public record, or portion thereof,
1 30 shall be in accordance with the following minimum standards:
1 31 a. Paper documents containing personal information shall
1 32 be either redacted, burned, pulverized, or shredded so that
1 33 personal information cannot practicably be read or
1 34 reconstructed.
1 35 b. Electronic media and other nonpaper media containing
2 1 personal information shall be destroyed or erased so that
2 2 personal information cannot practicably be read,
2 3 reconstructed, or deciphered through any means.
2 4 3. A government body may contract with a third party to
2 5 destroy public records containing personal information in
2 6 accordance with the requirements of this section. Any third
2 7 party hired to destroy public records containing personal
2 8 information shall implement and monitor compliance with
2 9 policies and procedures that prohibit unauthorized access to
2 10 or acquisition of or use of personal information during the
2 11 collection, transportation, and destruction of personal
2 12 information.
2 13 4. A government body or third party that violates the
2 14 provisions of this section shall be subject to a civil penalty
2 15 of not more than one hundred dollars per public record

2 16 affected, provided such penalty shall not exceed fifty
2 17 thousand dollars for each instance of improper destruction.
2 18 The office of attorney general or a county attorney may
2 19 enforce the provisions of this section.
2 20 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
2 21 3, shall not apply to this Act.

2 22 EXPLANATION

2 23 This bill relates to the destruction of public records
2 24 containing personal information. The bill, in new Code
2 25 section 22.15, specifies certain minimum standards for the
2 26 destruction of public records that contain personal
2 27 information. The bill requires a government body to take
2 28 reasonable steps and adhere to those minimum standards when
2 29 destroying a public record which is no longer required to be
2 30 retained by the government body.

2 31 The bill allows a government body to contract with a third
2 32 party to destroy public records containing personal
2 33 information.

2 34 The bill provides that a government body or a third party,
2 35 which includes all officials, officers, and employees who are
3 1 delegated authority, that violate new Code section 22.15 are
3 2 subject to a civil penalty of not more than \$100 per public
3 3 record affected, up to a maximum penalty of \$50,000 for each
3 4 instance of improper destruction.

3 5 The bill may include a state mandate as defined in Code
3 6 section 25B.3. The bill makes inapplicable Code section
3 7 25B.2, subsection 3, which would relieve a political
3 8 subdivision from complying with a state mandate if funding for
3 9 the cost of the state mandate is not provided or specified.
3 10 Therefore, political subdivisions are required to comply with
3 11 any state mandate included in the bill.

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